

MORE STAFF CONCERNS AND LACK OF FAITH IN HANDLING INCIDENCES
Unfair termination, staff discrimination and violation of constitution and
employment regulations

Dear IAVI,

We have been closely following issues related to abuse of office and at IAVI and discrimination of staff, especially of KENYAN NATIONALITY, especially by STAFF OF FOREIGN NATIONALITY working with cahoots with either the HUMAN RESOURCE OFFICE in NEW YORK or other staff Locally and we are indeed very deeply concerned with the manner in which IAVI, led by Labeeb M. Abboud, General Counsel & Senior Vice President, Business Development and Strategy has handled the situation.

Due to our continued concerns and dissatisfaction with the casual manner in which IAVI has handled these very critical staff issues, we are further expressing our concerns and documenting the sequence of events in this letter with a note that: WE WILL NOT RELENT IN OUR PURSUIT FOR ACTION ON ISSUES THAT HAVE BEEN REPORTED TO IAVI NO MATTER HOW LONG AGO THE ISSUES TOOK PLACE AND NOT MATTER HOW LONG IT TAKES TO ACT ON THE ISSUES and with this in mind, and for your records and our records we FIRST would like to document the sequence of events to-date:

- Concerned IAVI Staff raised issues on November 2017**
- A sham investigation by way of conducting interviews with selected staff was done around Jan-Feb2017. Despite enormous resources being used for this exercise anyone would consider as gross wastage of millions of donor (USAID) funds since no findings or actions taken have been shared to-date.**
- IAVI provided re-assurances that reports were being taken seriously yet no actions taken on perpetrators of abuse of office and other incidences reported.**
- IAVI organized for a staff briefing meeting but NO SUBSTANTIVE information was communicated to staff - We find this to be a very deceitful act by the IAVI representatives on this matter.**
- The exercise and reports/incidences have not been handled with the impartiality, objectivity and fairness that such serious issues call for.**

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- **We are further aware of an ongoing COURT CASE IN KENYA where IAVI & Dr. Anatoli Kamali have been sued for violation of the Kenya employment regulations. What concerns us is even with the case in court, Anatoli continues to enjoy his status at IAVI and continues to earn from Donor money – isn't this very high level of impunity and complete disregard of local regulation to you?**
- **We are further concerned that despite having reported the abuse of office incidences and other staff mal-practices, IAVI continues to pay the perpetrators using the same donor funds and tax-payer monies that was wasted in the so-called investigation. Anyone would not think that this is right thing to do. It is grossly wrong and inexcusable.**

SECONDLY, we would like to provide yourself, IAVI CEO, IAVI Board a snapshot of incidences and their perpetrators, that we do not have faith in their investigation and that we repeat again, however long ago they happened OR however long it takes to take action, we shall not relent till justice takes it course.

Mis-use of Authority by Directors (Dr. Anatoli Kamali) and Colluding with Junior staff to undermine and terminate contracts of other staff

Anatoli continues to commit injustices on Kenyan and Ugandan staff. Anatoli continues to peddle rumours about Daniel and Victoria. He alleges malpractices which are unfounded as he continues to hold meetings with Mercy Mshai and Mumtaz to undermine Daniel and falsify information. As an IAVI lawyer please advise IAVI properly before things go bad. These three Musyoka, Mercy and Anatoli are leading IAVI to nowhere. We can't be quite as we continue to work in a toxic environment. See the way Anatoli and Musyoka confided to close off Daniel from knowing the wrongs committed against our colleague in October 2017 just to favour Mercy who even now still does not show respect to current staff. It came to our notice yesterday that Musyokaa has resigned but there needs to be a thorough clean out as the rot is still living with us. Anatoli has started saying that anyone against transgender or same sex cannot survive in IAVI. Our African culture is not respected by Anatoli at all. Interested Kenyan lawyers will sue Anatoli and IAVI for such utterances since the law does not allow such behaviours and malpractices

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Time is up on tolerating harassment, discrimination and abuse of employment rights of Kenyans. we want our colleagues to be heard and be given their rightful compensation without IAVI playing politics. If our colleague was American, his case would have been resolved and given rightful compensation. we are watching the steps IAVI is taking towards this.

Misuse of Authority by Infringement on privacy of staff (Dr. Kundai Chinyenze):

Unprofessionalism and misuse of authority and impunity is practiced by some senior staff within the office and condoned by the Directors including Dr. Anatoli Kamali. Particularly serious is the practice of visiting staff personal doctors secretly by senior staff within the Nairobi office and using medical information obtained to recommend termination of staff contracts. IAVI Medical Director (Dr. Kundai Chinyenze) who to make matters worse is of foreign nationality and is known to at times work illegally in Kenya without a valid work permit is particularly notorious of perpetrating such acts. We suspect that she works in cahoots (with) and enjoys the protection (of) Anatoli and some senior staff within the HR department because despite reports made in the past about this bad behaviour, not action has been taken on her and her accomplices. During such secret visits, Dr. Kundai (and her accomplices) usually seek details about staff health status/conditions for malicious purposes and we highly suspect that information obtained is used to discriminate against staff and a basis for staff termination. Besides being infringement on staff confidentiality/privacy, it is truly against employment act in Kenya. Such acts will not pass and as a concerned staff I would like to warn you that so long as it goes un-addressed like has happened in the past and after this investigation and as long as Dr. Kundai (together with her accomplices) continue to be associated with the organization the acts will continue to haunt the organization and donors whose funds are used to pay their salaries and will result to huge liabilities IAVI.

THIRDLY, BELOW, WE ARE INCLUDING REPORTS INCIDENCES THAT HAVE PREVIOUSLY BEEN REPORTED TO IAVI, WITH NO ACTION HAVING BEEN TAKEN ON THEM FOR YOUR RECORDS AND OUR RECORDS TOO:

Over the past couple of years IAVI has been unfairly terminating staff contracts unfairly. This is now becoming a trend and targeting staff of particular nationalities in favor of foreign staff – a practice that is very

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alarming and needs to be put in check. The following reasons support these allegations:

1. Reasons for Termination

- **The organization does not state the reasons for termination or separation in the termination letters. As part of fair labor practice, it is essential for an employee to be provided with sufficient and unambiguous reasons for termination, but IAVI has consistently ignored this requirement.**
- **The Regional Director (Anatoli Kamali – a Ugandan Nationality) spreads rumors and collude with staff at partner institutions to contravene compliance and purport that partner staff are pressed by IAVI employees.**

2. Dishonesty by the Employer representatives

- a. **The organization has at times invoked a non-existent deficit situation as a reason for termination of staff contracts.**
- b. **No procedure followed at all when these are done humiliating staff unnecessarily.**
- c. **Kenyan heads of department are ceremonial and are just made to take orders.**
- d. **We are leaving in fear as IAVI Employees currently based on what has happened to 3 of our staff who are Kenyans**
- e. **We fear the power installed in Regional Director /HR that makes them not follow the rules**
- f. **Particular staff are targeted for dismissal after passing interview. Staff at partner staff who failed interviews are planted against them and sabotage their work for status quo to remain as is and supported by regional director (Anatoli Kamali)/cronies. At the moment there is a plan to replace staff with one who is known to contravene compliance because he is favored despite all that by the HIL.**
- g. **Things are forced in our throat.**
- h. **Integrity of staff here are severed by the behavior of Anatoli.**
- i. **Anatoli addressed us after dismissing a colleague un-procedurally and gave reason not convincing to us forcing senior colleagues present in the meeting to admit that there was a mistake on the dismissed colleague.**
- j. **Anatoli was given a letter by Mumtaz and Mercy spreading a rumor about a colleague and Anatoli never called the colleague to discuss the issue and yet this was a manager of a department.**

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- k. Is this the best way to manage an institution of this stature? We are really disappointed as IAVI staff and the same sentiment moves across other CRCs where Anatoli had threatened a staff before.**
- l. Mumtaz before leaving had issues amounting to insubordination of her superiors but Musyoka never did anything about it instead covered her until she left. Our HR needs review and probably have HR who is a local in Nairobi with good understanding of humanity and labor policies and required procedures**
- m. Anthony Musyoka (HR) is dishonest- every meeting we have held with him when he is here since I arrived 5 years ago have never been meet. Keeps promising things he cannot do. We are suffering.**
- n. A female colleague came on with high expectation to work here and later got frustrated and later dismissed too on grounds which don't make sense. Must we be friends at work? People need to be looked at in terms of their value because those who judge them as not nice are also not nice at all. It is sad poaching a staff and after 6 months you make them jobless putting people with families in trouble and severing their integrity and rights as citizens of their countries.**
- o. Creating tensions and divisions between IAVI staff and CRCs who don't want compliance for purposes of conducting studies as per guidelines and regulations and yet complains keep coming every time.**

3. Violation of provisions of the Kenya Employment Act 2007

- a. Even where organizational deficit could be a genuine reason for termination of contracts, the selection of staff to be terminated is not done in adherence to the provisions for the Kenya Employment Act 2007 section 40 (1) (c) which states "the employer has in the selection of employees to be declared redundant had due regard to seniority in time and to the skill, ability and reliability of each employee of the particular class of employees affected by the redundancy". Instead staff are unfairly targeted depending on their relationship with other senior staff within the organization or other ethnic affiliation.**

4. Infringement/breach to confidentiality/privacy of staff

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- a. **Access of medical record by human resources under the pretext that they would like to confirm the status of accounts while in actual sense they use the information disclosed to them not for review of status of medical cover utilization but to assess medical conditions as implied by the medical insurance utilization to make decisions to terminate.**
- 5. Termination/by Discrimination**
 - a. **Staff contracts terminated due to depletion of the medical insurance and request for top-up.**
- 6. Malice by Senior staff/Misuse of Authority/Unprofessionalism/Impunity**
 - a. **Secret visits to staff personal doctors/physicians by senior staff within the IAVI Nairobi office (one notorious one being off foreign nationality and is known to at times work illegally in Kenya without a valid work permit) to seek for details about staff health status/condition happens within IAVI and this is indeed a very malicious/sinister, a serious infringement/breach of staff confidentiality/privacy. Medical information obtained by these staff is usually at times used as a basis for termination which is outright discrimination based on my medical condition.**
- 7. Violation of organizational policies**
 - a. **Even when violations of organizational policies such as the one highlighted in 6 above are reported to HR, such actions go unpunished which means that coordination/directives come from very critical offices such as the HR department.**
 - b. **They have punished staff falsely to pave way for impunity at some CRCs that have interest of IAVI jobs and employing them will be a great conflict of interest because they won't look at things with independence but rather support the rot going on at some places.**
- 8. Unfair Labor Practices:**
 - a. ***Appointment to IAVI:* headhunting and removal of staff from permanent and pensionable job from other organizations that they have served for many years. It is an unfair labor practice to be headhunted and removed from a permanent and pensionable job just for a separation to be decided after only after months or a few years of service.**
 - b. **In some instances, an organizational deficit situation, allegations, planting Clinical Research Centre staff against staff among others has been cited as reason for staff termination.**

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9. Process of Communication of Termination:

- a. Usually done very inhumanely in complete disregard of laid down policies and staff medical conditions. Termination was suddenly communicated to a staff who had a known cardiac condition, thus predisposing the person to further heart attacks without compensation for that.

10. Violations of provision of Kenya Employment Act 2007 and Constitution of Kenya

- a. Unfairly targeting of staff of Kenya Nationality for contract termination is very common. Staff found spreading rumors against the organizational policies are left to do what they want especially those from Southern Africa and some from Nairobi office such as Mercy.